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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,119	05/19/1999	YACINE SMAIL EL KOLLI	1807.0652	4719
5514	7590	08/23/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TRAN, THIEN D	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2665	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,119

Applicant(s)

EL KOLLI, YACINE SMAIL

Examiner

Thien D. Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-62, 64-71, 73 is/are rejected.
- 7) ☒ Claim(s) 63 and 72 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 56-60, 65-69 are rejected under 35 U.S.C. 102(b) as being participated by Hodgkinson (WO 97/36453).

Regarding claims 56, 65 Hodgkinson discloses a sending method of sending a data packet from a source node to a destination node through a switching network, the data packet including user data and additional data, said method comprising the steps of:

determining a routing header, page 10 lines 5-15, defining a path to be followed on the network by the data packet, wherein the determining step is performed independently from the transmission mode of the data packet, connected or non-connected; page 5 lines 20-23;

selecting a virtual channel representing a connection between the source node and the destination node, page 10 lines 5-15; and

sending the data packet with VPI/VCI, PT, OF, SA, DA (additional data), the additional data comprising the routing header, the selected virtual channel and an identifier of the source node, page 10 lines 10-25,

wherein the combination of the virtual channel and the source node identifier makes the connection unique in the switching network, page 10 lines 5-15, and

wherein data representing at least one of the virtual channel and the source node identifier allows the destination node to determine the transmission mode of the data packet, connection (connected) or connectionless (non-connected), figure 7, page 11 lines 5-25.

Regarding claims 57, 66, Hodgkinson discloses that the data packet includes route information representing each node on the VPI/VCi with port ID (defined path) in the network through which the user data must pass in order to reach the destination node, page 3 lines 10-15.

Regarding claims 58, 67, Hodgkinson discloses a reception method of receiving a data packet transmitted from a source node to a destination node through a switching network, the switching network being adapted to carry data in a connected mode and a non-connected mode, the data packet including user data and additional data, the additional data representing at least a virtual channel and an identifier of the source node in the header (routing header), page 10 lines 15-25, (wherein additional data comprising a virtual channel, a source node identifier and a routing header) the header defining a path for the data packet on the network and being determined independently of the transmission mode of the data packet, connection or connectionless, table 2 and page 10 line 20, said reception, figure 7, method comprising the steps of:

reading the additional data, page 11 lines 5-10; and

determining the transmission mode of the data packet, connection (connected *or* non-connected), on the basis of data representing PT field then at least one of the virtual channel and the source node, page 11 lines 9-11.

Regarding claims 59, 68, Hodgkinson discloses that the destination node has a memory in which additional reference data are stored and said determining step includes comparing additional reference data and the additional data read in said reading step, page 11 lines 17-15.

Regarding claims 60, 69, Hodgkinson discloses that during said determining step, the transmission mode is determined as connected when the additional reference data and the read additional data are identical, page 11 lines 17-15.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 61-62, 64, 70, 71, 73 rejected under 35 U.S.C. 103(a) as being unpatentable over Hodgkinson (WO 97/36453) in the view of Kessler et al (U.S Patent No. 5,864,738).

Regarding claims 61, 62, 70, 71, Hodgkinson discloses that during said determining step, it is determined that the transmission mode is non-connected, said reception method further comprises the step of reading, in a packet.

Hodgkinson does not disclose reading the size of a message to be received from the source node, and reserving sufficient memory to store the entire message according to the read size of the message. However, Kessler discloses determining packet length for the reservation of memory in the buffer to store the packet, col.16 lines 15-20, 65-67. Therefore, it would have been obvious to one having ordinary skill in the art to have the feature of reading the packet size and reserving memory for the received packet so that the packet can be stored properly for processing by the switch.

Regarding claims 64, 73, Hodgkinson does not sending an acknowledgment packet to the source node as an acknowledging reception. Kessler discloses send an ack signal back to the sender when the receiver receives data, col.12 lines 50-55. Therefore, it would have been obvious to one having ordinary skill in the art to have the feature of acknowledgment message sending back to the source node so that the source node knows the status of its transmission.

Allowable Subject Matter

5. Claims 63 and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 05/21/2005 have been fully considered but they are not persuasive.

Applicant argues that Hodgkinson does not disclose defining a path to be followed on the network by the data packet, wherein the determining step is performed independently from the transmission mode of the data packet, connected or non-connected. However, Examiner respectfully disagrees with the argument because Hodgkinson discloses defining VPI and VCI for transmitting data packets (path to be followed), wherein the determining step is performed independently from the transmission mode of the data packet, connected or non-connected, table 2, page 5 lines 10-25 and page 10 lines 5-20.

Applicant argues that Hodgkinson does not disclose selecting a virtual channel representing a connection between the source node and the destination node. However, Examiner respectfully disagrees with the argument because Hodgkinson discloses selecting VPI and VCI (virtual channel) for routing according to the header corresponding to the routing table at the ATM switch, page 11 lines 10-15.

Applicant argues that Hodgkinson does not disclose the additional data comprising the routing header, the selected virtual channel and an identifier of the source node. However, Examiner respectfully disagrees with the argument because Hodgkinson discloses the header comprising VPI, VCI (virtual channel, addition data), SA (source node, additional data), page 10 lines 5-25.

Applicant argues that Hodgkinson does not disclose that the combination of the virtual channel and the source node identifier makes the connection unique in the switching network. However, Examiner respectfully disagrees with the argument

because Hodgkinson discloses VCI and SA combination used to make a connection for the ATM switch network, page 10 lines 5-15.

Applicant argues that Hodgkinson does not disclose that at least one of the virtual channel and the source node identifier allows the destination node to determine the transmission mode of the data packet, connection (connected) or connectionless (non-connected). However, Examiner respectfully disagrees with the argument because, Hodgkinson discloses that beside the PT field used to determine for the connection service, the ATM switch read the VCI (determining virtual channel in the connection service), and for the connectionless service, the ATM switch read SA and DA (determining source node in the connectionless service), page 11 lines 10-25.

Applicant argues that Hodgkinson does not disclose ATM switch having memory to store the entire message according to the read size of the message. In response to the argument, Examiner has found that Kessler discloses determining packet length for the reservation of memory in the buffer to store the packet, col.16 lines 15-20, 65-67. Therefore, it would have been obvious to one having ordinary skill in the art to have the feature of memroy so that the packet can be stored properly for processing by the switch.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

**DUCHO
PRIMARY EXAMINER**

Duchotto
8-19-05